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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FIFTH APPELLATE DISTRICT**

CRYSTAL E.,

Petitioner,

v.

THE SUPERIOR COURT OF FRESNO  
COUNTY,

Respondent;

FRESNO COUNTY DEPARTMENT OF  
SOCIAL SERVICES,

Real Party in Interest.

F074374

(Super. Ct. Nos. 08CEJ300045-1,  
08CEJ300045-2, 08CEJ300045-3)

**OPINION**

**THE COURT\***

ORIGINAL PROCEEDING; petition for extraordinary writ review. Mary Dolas,  
Judge.

CRYSTAL E., in pro. per. for Petitioner.

No appearance for Respondent.

Daniel C. Cederborg, County Counsel, and Brent C. Woodward, Deputy County  
Counsel, for Real Party in Interest.

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\* Before Detjen, Acting P.J., Franson, J. and Peña, J.

Crystal E. (mother) in propria persona seeks extraordinary writ relief from the juvenile court's orders terminating her reunification services at an 18-month review hearing (Welf & Inst. Code, § 366.22)<sup>1</sup> and setting a section 366.26 hearing as to her now 12-year-old son Christian P., 10-year-old son Sebastian E. and six-year-old daughter Leanna M. Mother asks that the children be returned to her custody. We conclude she failed to raise a claim of juvenile court error and dismiss her petition as facially inadequate for our review.

### **PROCEDURAL AND FACTUAL SUMMARY**

Mother has a history of child welfare intervention necessitated by her substance abuse and failure to adequately supervise her children.<sup>2</sup> The dependency proceeding before us was initiated in January 2015, after mother was arrested for being under the influence of a controlled substance, possession of a methamphetamine pipe and "maintaining a drug house." At the time, mother did not know the whereabouts of her children, then 10-year-old Christian, eight-year-old Sebastian and four-year-old Leanna.

The juvenile court exercised its dependency jurisdiction over the children and ordered mother to participate in parenting, substance abuse, mental health and domestic violence services and supervised visitation. The court also ordered reunification services for two of the three fathers involved. The Fresno County Department of Social Services (department) placed the children in foster care, where they would remain throughout these proceedings.

The juvenile court provided mother reunification services until the 18-month review hearing, which it conducted in September 2016. By that time, mother had

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<sup>1</sup> Statutory references are to the Welfare and Institutions Code.

<sup>2</sup> Christian and Sebastian were adjudged juvenile court dependents in 2008 because of mother's methamphetamine use. The juvenile court provided mother reunification services, including substance abuse treatment, and in April 2009, granted her sole legal and physical custody of the children.

completed residential drug treatment and maintained her sobriety. She had also completed a parenting class, was participating in a child abuse intervention program and enjoying liberal visits with the children. However, the department was concerned that she may not be able to safely parent the children because she was having difficulty concentrating and retaining short term memories and reported an “evil male presence” in her room. The juvenile court ordered mother to complete a psychological evaluation and appointed a psychologist to determine whether she suffered from a disabling mental disorder and whether she was capable of benefitting from reunification services. The psychologist diagnosed mother with amphetamine dependence based on her long history of methamphetamine use and opined that mother’s drug dependence impaired her ability to safely parent her children. The psychologist believed mother had the ability to comprehend information but difficulty applying it because she minimized her drug use and lacked insight into how it impacted the children.

The department recommended the juvenile court terminate mother’s reunification services because she had not made significant progress in remedying the conditions that necessitated the juvenile court’s intervention and did not have stable housing. In addition, Leanna was demonstrating sexualized behavior and required therapy and careful monitoring and mother continued to display poor judgment. Notably, in August 2016, while staying with the children at an emergency housing facility, mother allowed her boyfriend entrance into the unit she shared with the children at 3:56 a.m. The boyfriend claimed he had ridden his “bike” in from the mountains and needed to use the restroom. He was asked to leave but returned 10 minutes later, informing security he needed to use mother’s phone. Mother gave him her phone and he left around 4:20 a.m. Mother explained to the staff that he had an emergency.

Mother testified that, after she completed drug treatment, she went to sober living for three months and then to live with her grandfather where she resided during the week. On weekends, she stayed with the children at the emergency housing facility where she

could stay full-time if the juvenile court returned the children to her under family maintenance. She was employed as a housekeeper and had a car. She was unable to identify her date of sobriety but said she had been sober for over a year.

The juvenile court found that it would be detrimental to return the children to mother's custody because she did not have a stable home for them, had not benefitted from reunification services and did not have insight into how her drug use harmed the children. The court further found the department provided mother reasonable services, ordered them terminated and set a section 366.26 hearing.

### **DISCUSSION**

Mother contends she was unfairly denied the right to parent her children and wants them returned to her custody. She argues she made "fair attempts to fulfill the orders of the court" and received favorable progress reports by her service providers. She expresses concern about Leanna's sexual behavior and claims she was unfairly blamed for causing it. She believes Leanna's behavior started while she was in foster care and not, as the department asserts, while she was with mother during liberal visits. Finally, mother contends Christian's father made more than "minimal" progress, claiming he earned his high school equivalency diploma and completed a therapeutic drug program.

" 'A judgment or order of the lower court is *presumed correct*. All intendments and presumptions are indulged to support it on matters as to which the record is silent, and error must be affirmatively shown.' " (*Denham v. Superior Court* (1970) 2 Cal.3d 557, 564.)

California Rules of Court, rules 8.450-8.452<sup>3</sup> set forth guidelines pertaining to extraordinary writ petitions. The purpose of these writ petitions is to allow the appellate court to achieve a substantive and meritorious review of the juvenile court's orders and

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<sup>3</sup> Rule references are to the California Rules of Court.

findings issued at the setting hearing in advance of the section 366.26 hearing. (§ 366.26, subd. (l)(4).)

Rule 8.452 sets forth the content requirements for an extraordinary writ petition. It requires the petitioner to set forth legal arguments with citation to the appellate record. (Rule 8.452(b).) In keeping with the dictate of rule 8.452(a)(1), we liberally construe writ petitions in favor of their adequacy, recognizing that a parent representing him or herself is not trained in the law. Nevertheless, the petitioner must at least articulate a claim of error and support it by citations to the record. Failure to do so renders the petition inadequate in its content and we will not independently review the record for possible error. (*In re Sade C.* (1996) 13 Cal.4th 952, 994.)

Mother asserts the above-mentioned claims but does not relate them to any specific legal error. Nor does she develop them by citing legal authority or attempt to pinpoint where error occurred by providing citations to the record. Thus, her petition lacks the essential component (i.e., claim of juvenile court error), rendering it inadequate in content under the rule. Consequently, we dismiss the petition. In so doing, however, we note that the juvenile court had little choice at this stage of the proceedings but to rule as it did. Mother had received the maximum allowable months of reunification services under the statute and the court could not safely return the children to her despite her sincere attempts to reunify. (§ 366.22, subd. (a)(1) & (a)(3).) Nor could the court find a statutory basis for providing additional services. (§ 366.22, subd. (b).)

### **DISPOSITION**

The petition for extraordinary writ is dismissed. This opinion is final forthwith as to this court.